

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL  
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

---

**AGREED MOTION TO DISMISS DEFENDANTS MOUNT VERNON CITY SCHOOL  
DISTRICT BOARD OF EDUCATION, STEPHEN SHORT, AND WILLIAM WHITE**

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiffs John and Jane Doe, individually and as natural parents and next friends of their minor child, James Doe (“the Does”) and Defendants Mount Vernon City School District Board of Education (the “School Board”), Stephen Short (“Short”), and William White (“White”) hereby move the Court to dismiss the School Board, Short, and White and all claims against the School Board, Short, and White with prejudice. A brief memorandum in support is attached.

Respectfully submitted,

s/Douglas M. Mansfield

Douglas M. Mansfield (0063443)

dmansfield@jonesday.com

JONES DAY

325 John H. McConnell Blvd. Ste. 600

Columbus, Ohio 43215

(614) 469-3939 (telephone)

(614) 461-4198 (facsimile)

Mailing Address:

JONES DAY

P.O. Box 165017

Columbus, Ohio 43216-5017

Attorney for Plaintiffs

Respectfully submitted,

s/Sarah J. Moore

Sarah J. Moore (0016208)

sjmoore@ohioedlaw.com

BRITTON, SMITH, PETERS

& KALAIL CO., L.P.A.

3 Summit Park Drive, Ste. 400

Cleveland, Ohio 44131

(216) 503-5055 (telephone)

(216) 503-5065 (facsimile)

Attorney for Defendants Mount Vernon City  
School District Board of Education, Stephen  
Short, and William White

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL  
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

---

**MEMORANDUM IN SUPPORT**

Plaintiffs John and Jane Doe, individually and as natural parents and next friends of their minor child, James Doe (“the Does”) and Defendants Mount Vernon City School District Board of Education (the “School Board”), Stephen Short (“Short”), and William White (“White”) have agreed to support this motion to dismiss the School Board, Short, and White and all claims in this action against the School Board, Short, and White with prejudice. These parties have executed a settlement agreement, and as a result, respectfully request that the School Board, Short, and White be dismissed from this action pursuant to Federal Rule of Civil Procedure 21, which provides that “[p]arties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.”

If granted, the dismissal of the School Board, Short, and White will not affect the remaining claims against Defendant John Freshwater, which remain pending. A proposed order is attached for the Court’s convenience.

Respectfully submitted,

s/Douglas M. Mansfield

Douglas M. Mansfield (0063443)

dmansfield@jonesday.com

JONES DAY

325 John H. McConnell Blvd. Ste. 600

Columbus, Ohio 43215

(614) 469-3939 (telephone)

(614) 461-4198 (facsimile)

Mailing Address:

JONES DAY

P.O. Box 165017

Columbus, Ohio 43216-5017

Attorney for Plaintiffs

Respectfully submitted,

s/Sarah J. Moore

Sarah J. Moore (0016208)

sjmoore@ohioedlaw.com

BRITTON, SMITH, PETERS

& KALAIL CO., L.P.A.

3 Summit Park Drive, Ste. 400

Cleveland, Ohio 44131

(216) 503-5055 (telephone)

(216) 503-5065 (facsimile)

Attorney for Defendants Mount Vernon City  
School District Board of Education, Stephen  
Short, and William White

**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2009, I electronically filed the foregoing Agreed Motion to Dismiss Defendants Mount Vernon City School District Board of Education, Stephen Short, and William White, and Memorandum in Support, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following at their e-mail address on file with the Court:

David K. Smith  
Krista Keim  
Sarah J. Moore  
Elise C. Keating  
BRITTON, SMITH, PETERS & KALAIL CO., L.P.A.  
3 Summit Park Drive, Suite 400  
Cleveland, OH 44131

*Counsel for Defendants Mount Vernon City School  
District Board of Education, Stephen Short, and  
William White*

Robert H. Stoffers  
Jason R. Deschler  
MAZANEC, RASKIN, RYDER & KELLER, CO., LPA  
250 Civic Center Drive, Suite 400  
Columbus, OH 43215

*Counsel for Defendant John Freshwater*

R. Kelly Hamilton  
4030 Broadway  
P. O. Box 824  
Grove City, OH 43123

*Counsel for Counterclaimant John Freshwater*

s/Douglas M. Mansfield  
Douglas M. Mansfield

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL  
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

**ORDER DISMISSING ALL CLAIMS AGAINST DEFENDANTS MOUNT VERNON  
CITY SCHOOL DISTRICT BOARD OF EDUCATION, STEPHEN SHORT, AND  
WILLIAM WHITE WITH PREJUDICE**

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, the Court hereby dismisses Defendants Mount Vernon City School District Board of Education, Stephen Short, and William White, and all claims against Defendants Mount Vernon City School District Board of Education, Stephen Short, and William White, with prejudice.

**IT IS SO ORDERED.**

---

GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE